

Hyman L. Schaffer  
 Fran M. Jacobs  
 Brian Damiano  
 1540 Broadway  
 New York, New York 10036  
 (212) 692-1000  
*Attorneys for Plaintiff Consist Software Solutions, Inc.*

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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CONSIST SOFTWARE SOLUTIONS, INC.,	:
f/k/a CONSIST INTERNATIONAL, INC.,	:
	07 CV 7047 (CM) (FM)
	:
Plaintiff,	:
-against-	:
SOFTWARE AG, INC. and SOFTWARE AG,	:
	<b>NOTICE OF MOTION</b>
	<b>IN LIMINE TO</b>
	<b>EXCLUDE EXPERT</b>
	<b>TESTIMONY OF</b>
	<b><u>DAVID A. MACSWAIN</u></b>
Defendants.	:

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X

C O U N S E L O R S :

PLEASE TAKE NOTICE that, upon the annexed Declaration of Hyman L. Schaffer dated December 7, 2007, the exhibits annexed thereto, the accompanying Memorandum of Law in Support of Motion in Limine to Exclude Testimony by Defendants' Expert Witness, and all the pleadings and proceedings heretofore had herein, Plaintiff Consist Software Solutions, Inc. f/k/a Consist International, Inc. ("Consist"), by its undersigned counsel, Duane Morris LLP, will move this Court, before the Hon. Colleen McMahon, United States District Judge, at Court Room 21B of the United States Courthouse, 500 Pearl Street, New York, New York, for an order granting Consist's motion in limine to exclude the expert testimony of David A. MacSwain pursuant to Rules 403 and 703 of the Federal Rules of Evidence, and Rules 26(a)(2) and 37 of the Federal Rules of Civil Procedure, and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
December 7, 2007

DUANE MORRIS LLP

By: /s Hyman L. Schaffer

Hyman L. Schaffer

Fran M. Jacobs

Brian Damiano

1540 Broadway

New York, New York 10036

Telephone: (212) 692-1000

Facsimile: (212) 692-1020

*Attorneys for Plaintiff*

*Consist Software Solutions, Inc.*

TO: James D. Jacobs  
Frank M. Gasparo  
Marcella Ballard  
John A. Basinger (*pro hac vice*)  
BAKER & MCKENZIE LLP  
1114 Avenue of the Americas  
New York, New York 10036  
Telephone: (212) 626-4100  
Facsimile: (212) 310-1600  
*Attorneys for Defendants Software AG, Inc. and Software AG*